

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael J. Iaconis et al. Art Unit : 3711  
Serial No. : 10/698,930 Examiner : Alyssa Marie Hylinski  
Filed : November 3, 2003 Confirmation No.: 5058  
Notice of Allowance Date: December 18, 2007  
Title : ELECTROMECHANICAL TOY

**MAIL STOP ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicant agrees that all claims are allowable. The statement of Reasons for Allowances states that the claims are allowable because the prior art fails to show the identified limitations—i.e., "a toy having a body that can directly contact a horizontal support surface and an appendage having a surface that also partly contacts the horizontal support surface and configured to move along a non-circular path without advancing the body along the horizontal supporting surface" and "the appendage rotating relative to the body about a first axis while a tail device rotates relative to the body about a second axis that is perpendicular to the first."

For purposes of clarity, however, applicant notes that independent claim 1 recites a toy including a body at least partly directly contacting a horizontal supporting surface, a motor within the body, an appendage having a body portion that is coupled to the body of the toy, and a support portion that at least partly directly contacts the horizontal supporting surface to at least partly support the body, where the appendage is actuated by the motor to move relative to the body along a first path including movement of the support portion of the appendage along a non-circular path without advancing the body along the horizontal supporting surface, a tail device coupled to the body of the toy and actuated by the motor to move relative to the body along a second path, and a neck device coupled to the body of the toy and actuated by the motor to move relative to the body along a third path.

Independent claim 25 recites a toy including a body at least partly contacting a horizontal supporting surface, a motor within the body, an appendage coupled at a first end to the body of the toy and actuated by the motor to rotate at the first end relative to the body about a first axis such that rotation at the first end causes movement of a second end of the appendage along a non-circular path without advancing the body along the horizontal supporting surface, a tail device coupled to the body of the toy and actuated by the motor to rotate relative to the body

about a second axis that is perpendicular with the first axis, a neck device coupled to the body of the toy and actuated by the motor to rotate relative to the body about a third axis that is parallel with the first axis, and a flexible skin over at least the body and the appendage, and being attached to a part of the second end such that the flexible skin periodically tensions and slackens at the second end of the appendage as the second end of the appendage moves along the non-circular path. The second end of the appendage at least partly directly contacts the horizontal supporting surface to at least partly support the body.

Independent claim 39 recites a toy including a body at least partly directly contacting a horizontal supporting surface, a driving device within the body, the driving device including a drive shaft driven by a motor and a rotating device attached to the drive shaft to rotate as the drive shaft rotates, an appendage at least partly directly contacting the horizontal supporting surface to at least partly support the body, and having a first end that is connected to the rotating device to rotate relative to the body about a first axis that is parallel with the axis of the drive shaft in response to rotation of the rotating device, and a tail device having a piece that interfits with a portion of the rotating device to rotate relative to the body about a second axis that is perpendicular to the first axis in response to rotation of the rotating device.

Independent claim 47 recites a method of actuating a toy having a body at least partly directly contacting a horizontal surface, a motor within the body, an appendage having a body portion that is coupled to the body and a support portion that at least partly contacts the horizontal supporting surface to at least partly support the body, a tail device coupled to the body, and a neck device coupled to the body. The method includes rotating the body portion of the appendage relative to the body about a first axis including moving the support portion along a non-circular path by actuating the motor without advancing the body along the horizontal supporting surface, rotating the tail device relative to the body about a second axis that is perpendicular with the first axis by actuating the motor, and rotating the neck device relative to the body about a third axis that is parallel with the first axis by actuating the motor.

Further, applicant agrees that the limitations recited in the Examiner's Reasons for Allowance are not taught or suggested by the art of record, and that the relevant independent claims are distinguished from the cited prior art for at least the reasons stated in the Reasons for Allowance, which are sufficient for allowance of those claims. Applicant does not concede that the stated reasons are the only grounds for patentability of the allowed claims, that the limitations

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excluded from the Reasons for Allowance are taught or suggested by the art of record, or that all of the limitations are necessary for patentability of the allowed claims or other claims directed to the disclosed subject matter.

Please apply any charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date:March 5, 2008

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

40475740

*/Diana DiBerardino/*

Diana DiBerardino  
Reg. No. 45,653